

REMARKS

Claims 1-8, 10-12, 17-20, 23-25 and 32-33 stand rejected, and claims 13-16 and 27-31 are objected to. Claims 1, 2 and 33 are in independent form and have been amended. Claims 34-36 are new. Support for the amendments and new claims can be found throughout the as-filed specification (for example at FIGs. 10-22; page 2, lines 26-28; and page 6, lines 22-25).

Independent claims 1, 2 and 33 each stand rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. patent no. 5,292,022 (Blanco) in view of U.S. patent no. 4,927,048 (Howard). Applicant has amended each of claims 1, 2 and 33 to clarify that the synthetic filler material is *formed as a ring*. Applicant submits that neither Blanco nor Howard teach such a structure.

In that regard, Blanco teaches a protective sheet 7' that is formed as a disk and not as a ring, as claimed. Blanco states that it's protective sheet 7' formally and dimensionally matches the upper base of the can end such that it "***covers the upper base of the can entirely***" (Col. 2, lines 29-30; and Col. 4, lines 3-7). In order for sheet 7' to cover the upper base of the can entirely, it must be formed as a disk and can not be formed as a ring. Therefore, because Blanco's protective sheet 7' must be disk shaped, Blanco does not teach a filler material that is formed as a ring, as claimed.

Similarly, Howard teaches a protective covering 17 that is formed as a disk and not as a ring, as claimed. Howard states that it's protective covering 17 ***is circular in shape*** and that it ***covers the closure panel and bead*** (Col. 2, lines 49-51). As shown in FIG. 4, Howard's protective covering 17 covers the entire closure. In order for Howard's protective covering 17 to cover the entire closure panel, it must be formed as a disk and can not be formed as a ring. Therefore, because Howard's protective covering 17 must be disk shaped, Howard does not teach a filler material that is formed as a ring, as claimed.

For the forgoing reasons, applicant submits that claims 1, 2 and 33 (and claims 3-8, 10-20, 23-32 and 34-36 which ultimately depend from one of claims 1, 2 and 33) are in condition for allowance. If the examiner determines that a teleconference would further the prosecution of this case, he is invited to call the undersigned it has convenience.

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/Jake W. Soumis/
Jake W. Soumis
Registration No. 61823

Woodcock Washburn LLP
Cira Centre
2929 Arch Street, 12th Floor
Philadelphia, PA 19104-2891
Telephone: (215) 568-3100
Facsimile: (215) 568-3439